

1 GARY K. KING
Attorney General of the State of New Mexico
2 DEYONNA YOUNG – New Mexico Bar No. 2980
Assistant Attorney General
3 111 Lomas Boulevard NW, Suite 300
Albuquerque, NM 87102
4 Telephone: (505) 222-9089
Fax: (505) 222-9086
5 E-Mail: dyoung@ago.state.nm.us
Attorneys *pro hac vice* for the Plaintiff State of New Mexico

6 EMILIO E. VARANINI – California Bar No. 163952
Deputy Attorney General
7 455 Golden Gate Avenue
San Francisco, California 94102
8 Telephone: (415) 703-5908
9 Fax: (415) 703-5480
E-Mail: emilio.varanini@doj.ca.gov

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 THE STATE OF CALIFORNIA *et al.*, Case No. C 06-4333 PJH
14 Related to MDL. No. 1486
Plaintiffs,
15 v. Declaration of Cassandra C. Herrera
16 in Support of Motion of the State of
New Mexico for the Certification of a
Governmental Entity Class
17 INFINEON TECHNOLOGIES AG *et al.*,
18 Defendants.

19 _____
I, Cassandra C. Herrera, declare:

20 1. I am the Accounting Officer for the County of Sandoval, New Mexico. I
21 have personal knowledge of the facts stated in this declaration
22 2. I have been actively involved in the purchasing functions of the County of
23 Sandoval for eight years. In the course of my employment, I have become familiar
24 with the procedures by which the County of Sandoval purchases, among other
25 commodities, computers, printers and servers.
26

1 3. The procedures by which the County of Sandoval purchases goods are
2 governed by state law and regulation, particularly the New Mexico Procurement Code,
3 subject to local modification to create more restrictive procedures.

4 4. Generally speaking, the procedures at the County of Sandoval uses to make
5 purchases, including purchases of products such as computers, printers and servers,
6 depends on the dollar amount of the purchase. The threshold amount above which
7 competitive bidding is required is \$1000.00. Purchases in a lower dollar amount may be
8 purchased without a competitive bid process.

9 5. The County of Sandoval can make a purchase subject to competitive bids
10 through its own public bidding process. If this alternative is followed, the County of
11 Sandoval directly enters into a contract with a successful vendor following a procedure
12 in which competitive bids are solicited, and the winning bidder is accepted on the basis
13 of objective criteria, including in particular lowest price.

14 6. In those instances in which a competitive bid is not required because the
15 dollar amount of the purchased does not exceed the threshold above which competitive
16 bids are required, the County of Sandoval can purchase products, including products
17 such as computers, printers and servers, without competitive bids. In those instances,
18 the County of Sandoval can purchase goods through single-source contracts or, for
19 small-value purchases, by buying through a retail outlet.

20 7. The County of Sandoval can and does purchase goods off the contracts
21 available to the State of New Mexico and all New Mexico local entities. For example:

22 a. The County of Sandoval can and does make purchases off competitively-bid
23 commodity and equipment contracts and price agreements between the State of
24 New Mexico and vendors.

25 b. The County of Sandoval can make purchases off Western State Contracting
26 Alliance (WSCA) contracts, which are competitively-bid contracts under which

1 state and local governments from large group of states can purchase
2 commodities, equipment and services.

3 c. The County of Sandoval can and does make purchases based on mirror
4 contracts of the federal government's General Service Administration (GSA)
5 Schedule contracts.

6 In particular, the County of Sandoval can and does purchase products such as personal
7 computers, printers and servers off New Mexico State commodity and equipment price
8 agreements and contracts based on GSA Schedule contracts.

9 8. The County of Sandoval also can and does make purchases off contracts
10 between New Mexico State University and vendors.

11 9. I am generally familiar with the procedures by which local government
12 entities make purchases in New Mexico. The procedures outlined above generally
13 describe the means by which all New Mexico local government entities make their
14 purchases.

15 I declare under penalty of perjury under the laws of the United States of
16 America and the State of New Mexico that the foregoing is true and correct.

17 Bernalillo, New Mexico
18 Date: November 14, 2007

19 /s/ Cassandra C. Herrera
20 Cassandra C. Herrera

21
22 I, Emilio E. Varanini, attest that
23 concurrence in the filing of this
24 document has been obtained from
each of the other signatories.

25 /s/ Emilio E. Varanini
26 Emilio E. Varanini